

MINUTES

**UTAH
SUBSTANCE ABUSE COUNSELOR
BOARD MEETING
And
RULES HEARING**

October 3, 2007

**Room 475 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

BOARD MEETING

CONVENED: 9:04 A.M.

ADJOURNED: 10:43 A.M.

**Bureau Manager:
Board Secretary:**

Noel Taxin
Karen McCall

Board Members Present:

Shawn M. McMillen
Ronald K. Wilkey
Kelly J. Lundberg
Linda Cornaby
Stephen R. Sheppard
Joel Millard

Board Members Absent:

Patrick J. Fleming

Guests:

David Felt
Jeremy Boberg, AUSAP
Gloria Boberg, AUSAP President
Santiago Cortez
Steve McGeeney
Tandra Goodwin

DOPL Staff Present:

David Stanley, Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the August 15, 2007 meeting were read.

Dr. Millard made a motion to approve the minutes as

read. Dr. Lundberg seconded the motion. **The Board vote was unanimous.**

DISCUSSION ITEMS:

Review Proposed Law Change

Ms. Taxin explained that she, Mr. Cortez, Mr. Felt and Mr. McMillen reviewed the proposed Law Changes. She stated that there were a couple of issues brought up that either need to be included in the proposed Law or at least discussed. Ms. Taxin stated that she knows that the preference of the Association is not to open the Law again at this time but the conflicts in the Law are substantive and cannot be addressed by Rule. Ms. Taxin explained that there are LSAC's who own their agencies, run their agencies and hire their supervisors. She recommended that if the Law is going to be opened that language be included that states that an LSAC cannot be an owner and an employee of their own agency. She stated that the LSAC could own the agency but if they are working as an LSAC they should work for another agency so that they are not hiring their own supervisor.

Dr. Lundberg stated that in the Mental Health Therapy Practice Act it is a dual relationship for a mental health therapist to hire their own supervisor. She stated that the mental health supervisor should understand the dual relationship and decline supervising an LSAC in the LSAC's agency.

Ms. Taxin stated that it has come to her attention that there is an owner of an agency who is having the LSAC's diagnose the clients. She stated that there is mental health therapist supervisor but the LSAC is the owner. Ms. Taxin stated that the Law is clearer regarding the mental health therapist but not as clear for the LSAC.

Dr. Lundberg ask if something could be included in the Rules.

Ms. Taxin responded that the Law does not allow for clarification in the Rules.

Ms. Taxin explained that another question that has

come to her attention is if the LSAC can supervise another LSAC, the Certified Substance Abuse Counselor Intern (CSAC Intern) and Extern (CSAC Extern) and sign off on their supervised hours for licensing. Ms. Taxin stated that the new Law will allow the LSAC to supervise another LSAC, the CSAC Intern and the CSAC Extern. Ms. Taxin stated that there are some agencies that the mental health therapist cannot verify the hours as they did not directly supervise. She stated that the mental health therapist should be the one that is over all the substance abuse counselor levels as the responsible person. Ms. Taxin stated that that she, Mr. McMillen, Mr. Cortez and Mr. Felt talked of changing the supervision of the CSAC Intern and CSAC Extern to be more direct with the LSAC supervision to be more general. She stated that there are some agencies and mental health therapists who supervise properly and there are others who are not supervising ethically. Ms. Taxin stated that there have also been applications received where there is no mental health therapist at the agency. Ms. Taxin stated that the application form for the supervised experience now requires the LSAC signature and the mental health therapist signature.

Mr. Cortez responded that the Law is clear. He stated that all substance abuse counselors must work in a licensed agency and the licensed agency must have a mental health therapy supervisor.

Ms. Taxin explained that an application came in with only the LSAC signature on the supervision form. She stated that when asked for the mental health therapist supervisor signature the staff was informed that the mental health therapist would not sign the form as they did not supervise the applicant. Ms. Taxin stated that the mental health therapist supervisor has a responsibility to be sure the substance abuse counselors understand their scope of practice and are practicing correctly. She stated that Mr. Felt does not agree with her.

Ms. Boberg responded that the individual Ms. Taxin referred to worked at an agency where the mental health therapist supervisor left the agency

Dr. Lundberg asked what the agency should do if the mental health therapist leaves.

Ms. Taxin responded that the applicant would need to locate the supervisor to sign off on the form or redo the hours under another mental health therapist supervisor. Ms. Taxin stated that the mental health therapist is over the whole program of substance abuse counseling.

Dr. Lundberg commented that the hours the applicant completed should not count as the applicant did not have the appropriate supervision. Dr. Lundberg stated that the LSAC was also not working under appropriate supervision and that is also a concern.

Mr. Cortez stated that when a mental health therapist leaves an agency the agency must replace the mental health therapist as soon as possible so that the agency meets appropriate standards. He stated that it should not be difficult for the agency to locate a mental health therapist.

Ms. Taxin responded that Mr. Cortez is correct. She asked if it is common for the mental health therapist to never meet the CSAC Intern.

Dr. Lundberg responded that is common but the mental health therapist can provide supervision with the LSAC with no face to face supervision with the Intern.

Dr. Millard stated that the mental health therapist should be reviewing the plans and diagnoses.

Mr. Boberg commented that there is nothing in the application that indicates there should be a mental health therapist supervisor.

Ms. Taxin and Dr. Lundberg responded that Mr. Boberg was looking at the form in the application which is not the requirements in the Law. They stated that the Law requires a mental health therapist supervisor.

Dr. Millard stated that it is expected that the mental health therapy supervisor will always have interaction with those they are supervising and that the supervisor would know the practitioner.

Following additional discussion Dr. Millard made a motion to agree to the proposed Rules as they have been presented today.

Dr. Lundberg seconded the motion.

The Board vote was unanimous.

**10:00 A.M.
RULES HEARING**

**Bureau Manager:
Board Secretary:**

Noel Taxin
Karen McCall

Board Members Present:

Shawn M. McMillen, Chairperson
Linda Cornaby
Joel Millard, DSW
Ronald K. Wilkey
Kelly J. Lundberg, Ph.D.
Stephen R. Sheppard, Ph.D.

Board Members Absent:

Patrick J. Fleming

Guests:

David Felt
Jeremy Boberg, AUSAP
Gloria Boberg, AUSAP President
Santiago Cortez
Steve McGeeney
Tandra Goodwin

DOPL Staff Present:

David Stanley, Division Director

Hearing Conducted by:

Judge Steve Eklund, Administrative Law Judge

Judge Eklund may be contacted directly for a transcript of the Rules Hearing.

10:08 A.M.
BOARD MEETING RESUMED

Update on Gregory McSherry

Ms. Taxin reported that an Order to Show Cause for non-compliance with the Stipulation and Order was sent to Mr. McSherry and he did not respond. Ms. Taxin stated that Mr. McSherry's license was revoked September 19, 2007.

Update on Patricia Munteer

Ms. Taxin reported that an Order to Show Cause for non-compliance with the Stipulation and Order was sent to Ms. Munteer and she did not respond. Ms. Taxin stated that Ms. Munteer's license expired May 31, 2007. She stated that if there is a hearing for Ms. Munteer the Board will be notified.

Update on Teresa Lloyd

Ms. Taxin reported that an Order to Show Cause for non-compliance with the Stipulation and Order was sent to Ms. Lloyd. She stated that Ms. Lloyd responded that she wants to retain her Substance Abuse Counselor license and wants to remain in the field.

Ms. Taxin stated that she has withdrawn the Order to Show Cause and a revised Stipulation and Order will be drafted and sent to Ms. Lloyd to sign. She stated that the new Order will require Ms. Lloyd to submit monthly letter that she is not working in the field and she must renew the license on time. She stated that if the requirements are not met then the Order to Show Cause would be put through. She stated that if Ms. Lloyd does go back to work as a Substance Abuse Counselor then her probationary time would start and the supervisor and employer would start sending reports.

Dr. Lundberg voiced disappointment that the Order had been withdrawn as Ms. Lloyd signed agreement to meet specific requirements and has not met those requirements.

Ms. Taxin responded that she has discussed the situation with the AG and was advised to withdraw the Order as it would not be defensible due to Ms. Lloyd responding that she has not been working in the field. Ms. Taxin stated that Ms. Lloyd's letter included a

letter from her employer stating that the Ms. Lloyd is not working as a Substance Abuse Counselor. Ms. Taxin explained that Ms. Lloyd has not worked on her probation. She stated that if Ms. Lloyd applies for the Professional Counselor Intern license the license would have to be a probationary license.

2008 Board Meeting Schedule

The Board noted that the meetings have been scheduled for the following dates: January 9, April 9, July 9 and October 15, 2008.

Rules Hearing

Ms. Taxin reviewed the Rules Hearing procedure. She stated that if there are no comments the Rules could be approved within a month. Ms. Taxin stated that if there are comments then there may need to be another hearing.

NEXT MEETING SCHEDULED FOR:

November 7, 2007

ADJOURN:

The time is 10:43 am and the meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

November 7, 2007
Date Approved

(ss) Joel Millard, DSW, Acting Chairperson
Chairperson, Utah Substance Abuse Counselor
Licensing Board

October 30, 2007
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing